

## **R E M A R K S**

The present response addresses the concerns raised in the Official Action dated June 29, 2006, wherein the Examiner rejected pending claims 1, 7, 8, 12, 13 and 22, and objected to claims 2-4, 14-21 and 23-29. Claims 5, 6, 9-11 and 30 have been allowed. More specifically, claims 1, 7, 8 and 22 have been rejected as being anticipated by Bingham, US Patent No. 6,035,000, and claims 12 and 13 have been rejected as being anticipated by cited Polley et al., US Patent No. 6,363,109. In responding to the present action, the applicants have incorporated the features previously present in claims 2 and 23 into claims 1 and 22, respectively. The applicants have further amended claim 22 in order to make the same more clear, in a manner which is believed to address the Examiner's concerns regarding any clarity issues associated with claims 22-29 with respect to 35 USC §112. Claim 12 has similarly been amended in an attempt to make the same more clear.

The amendment of claims 1 and 22 are believed to make moot, the rejection of claims 1, 7, 8 and 22. The amendment of claim 12 is intended to more clearly distinguish claims 12 and 13 relative to Polley et al., '109. In previously noting the distinctions of claim 12 and 13 relative to the cited reference, the applicants noted the claimed feature associating with the transmission of OFDM data over "more than one user channel" in connection with the wideband channel, where in connection with claim 13 each user channel comprises at least one of said subchannels. Such a feature was previously noted as being missing from the cited reference.

However, the Examiner alleges that such a distinction is unpersuasive in so far as the Examiner notes language from the reference at col. 4, lines 11-18, where the communication system is identified as including a "service provider 40 that is accessible by one or more subscribers 15". However, the fact that the service provider 40 is accessible by one or more subscribers 15, is irrelevant as to the transmission of OFDM data over "more than one user channel" in connection with the wideband channel, because the communication via the wideband channel in the cited reference occurs between DSL Modems 16 and 22, and to the extent that the remote host server might support communications with one or more subscribers, the connections with the other subscribers are not taught or suggested as being part of the same modulated analog signal carrier 20, such that more than one user channels is formed and concurrently supported from the plurality of subchannels associated with the wideband channel. In FIG. 1, only a

connection with a single subscriber is shown. Consequently, the applicants would respectfully request that the Examiner reconsider the corresponding rejection.

The applicants note with appreciation, the Examiner's indication that claims 5, 6, 9-11 and 30 are allowed and the indication that claims 2-4, 14-21 and 23-29 contain allowable subject matter.

The applicant would contend that the claims are in a condition for allowance, and would respectfully request that the Examiner reconsider the rejection of the claims. Should any issues remain unresolved after the consideration of the present response, the Examiner is requested to contact the applicant's representative at the number listed below to discuss the same.

Respectfully submitted,

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